

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ABRAHAM JOSEPH,
Plaintiff,
v.
MONIVIRIN SON, et al.,
Defendants.

No. 2:22-cv-1558-TLN-CKD

ORDER

On September 29, 2023, the Court dismissed this action because Plaintiff failed to keep the Court apprised of his address. (ECF No. 15.) On February 7, 2024, Plaintiff filed a motion asking that the Court reopen the case. (ECF No. 17.) The Court denied the motion on February 26, 2024. (ECF No. 19.) On July 11, 2024, Plaintiff filed what the Court construes as a second motion to reopen his case. (ECF No. 20.)

As with the first motion, Plaintiff fails to adequately explain why he did not provide the Court with a new address where he could be reached upon his release from incarceration which is why the Court dismissed this case. Again, Plaintiff has not provided the Court with any valid basis, as identified in Federal Rule of Civil Procedure 60(b) for reopening the case.¹

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¹ Under Rule 60(b), the Court may vacate judgment for, among other things, mistake, inadvertence, surprise, excusable neglect, or “any other reason that justifies relief.”

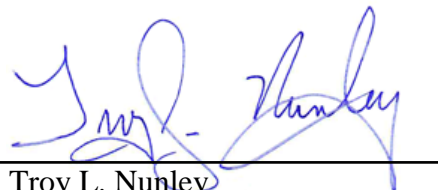
1 Accordingly, the Court will deny Plaintiff's motion to reopen this case. (ECF No. 20.)
2 Plaintiff's accompanying motion for the appointment of counsel (ECF No. 21) will be denied
3 since this case is closed.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Court DENIES Plaintiff's second Motion to Reopen this case (ECF No. 20);
6 and
- 7 2. The Court DENIES Plaintiff's Motion for Appointment of Counsel (ECF No. 21).

8 Date: August 5, 2024

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Troy L. Nunley
United States District Judge